

JUNE 23, 2005

City Council Minutes

The Round Rock City Council met in Work Session and Regular Session on Thursday, June 23, 2005, in the City Council Chamber, 221 E. Main Street.

CALL WORK SESSION TO ORDER – 6:30 P.M.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Tom Nielson, Councilmember Joe Clifford, Councilmember Scott Rhode, and Councilmember Gary Coe. Councilmember Carlos T. Salinas was absent.

PRESENTATION:

3.A.1. Consider a presentation regarding the findings of the Development Process Survey. Charlie Ayres, Vice-President of Business Development, Round Rock Chamber of Commerce reported that the City and the Chamber of Commerce have been working with Dan Sefko of Dunkin, Sefko & Associates, Inc. to review all of our development processes and procedures of the City.

Dan Sefko gave the following report on the findings of the study.

Purpose

The purpose of this study is to ascertain if any changes need to be made to any of the review and development approval processes the City uses for site plans, zoning changes, building permits or subdivision improvement plans.

Study Methodology

Input for this study was from three sources:

1. Consultant review of the present development review process;
2. Results from a questionnaire sent to “users” or participants in the development review process; and
3. Interviews with area engineers, planners, land owners/developers, real estate interests and others interested in the process.

The study was not a scientific approach to the issue, but rather an assessment of attitudes or perceptions of the development review process. Consequently, further research may need to be conducted to determine if certain comments or perceptions are correct. No effort was made as part of the consultants to prove or verify statements made by the participants. An important part of the study was that all participants and related responses were anonymous. By not citing who made certain comments, it gave the participants the opportunity to their best and most honest responses. If any names of participants or individuals at the City were made in any responses or interviews, they were deleted from the report.

The Survey

A mail-out survey was prepared by the consultants. The purpose was to find out information about the participants and about each City department or area at the City that they had contact or dealt with through the review and approval process. Surveys were sent

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to one hundred (100) users collected from a City database of firms or individuals that have submitted projects to the City in the past for approval or have worked with the City as an owners' representative or agent. Participants were asked to rate various components of the review process, and each City department involved in the process on a scale of one (1) to five (5). One (1) indicating "NO" or "low degree" to five (5) indicating "YES" or "high degree." The surveys were sent with postage-paid return envelopes, and they were returned directly to the consultant. Out of one hundred (100) surveys, thirty-five (35) were returned, representing a good return rate (35%), from a statistical perspective.

Most of the respondents:

- were engineers;
- submitted site development or concept plans;
- submitted an application in 2005;
- have been at their respective professions over 10 years;
- contacted the Planning Department first when contacting the City.

Mr. Sefko gave a brief outline of the scoring results, comments and responses received.

Conclusion/Recommendations

Overall, it appears the development review system works reasonably well. Clearly, some parts of the system need adjustments and, in some cases, significant attention. Results indicate that any things are working as well as possible and most respondents recognize that the City staff is doing the best that they can. Better organization and communication would likely improve most problems. Indeed many of the issues identified by participants as problems also exist in other cities. To say that many of these problems are unique to Round Rock would be unfair. As evidenced by the initiation of this study the City is at least willing to listen so improvements can be made.

Mr. Sefko outlined the suggestions or recommendations of how the City can use the results of the survey to improve the development review process in Round Rock.

Mr. Nuse announced that a Committee with members of the development community, staff, and chamber staff can be created. The Committee will implement suggestions and work through July and August regarding the recommendations from Mr. Sefko. A report will be brought back to the Council for discussion.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

The meeting was called to order at 7:10 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Tom Nielson, Councilmember Joe Clifford, Councilmember Scott Rhode, Councilmember Gary and Councilmember-Elect Rufus Honeycutt. Councilmember Carlos T. Salinas was absent.

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Mayor Maxwell presented a plaque of appreciation to Tom Nielson for the service he gave to the City as Councilmember and a Planning and Zoning Commissioner.

Mayor Maxwell and Mayor Pro-tem McGraw presented a farewell gift from the Council, staff, and members of the community to Councilmember Nielson.

Councilmember Nielson thanked the Council and everyone who gave him the opportunity to serve as one of the City's Councilmembers.

SWEAR IN NEWLY ELECTED COUNCILMEMBER FOR PLACE 1:

Rufus Honeycutt was sworn into office by Williamson County Judge Ken Anderson, 277th District Court.

Mayor Maxwell called for a recess at 7:37 p.m. so everyone could offer their congratulations to Councilmember Honeycutt and to offer good wishes to Councilmember Nielson for everything he has done while on the Council.

Mayor Maxwell called the meeting back to order at 7:43 p.m.

CITIZENS COMMUNICATIONS: None

PRESENTATIONS:

9.A.1. Consider a presentation concerning the evaluation of a possible alternate location for the future police station. Bryan Williams, Chief of Police made the staff presentation. He gave an overview of possible locations of the new Police Station.

Site No. 1 - 8.7 acres (Old Settlers Boulevard) can have 200 parking spaces.

Site No. 2 - 76 acres (former Tellabs Building) can have 365 parking spaces. This site can also provide future training site for not only the Police Department but also for the Fire Department. The cost of each site is very similar, but site No. 2 is a bit more expensive but both locations will work well for the Police Department. The Council and staff discussed the benefits of each site.

9.B.1. Consider a presentation of potential sites for the future Fire Station No. 7 to be located in the vicinity of the intersection of IH 35 and Chandler Road. Larry Hodge, Fire Chief made the staff presentation. The new station should be located in the vicinity of Chandler Road and IH-35 within the boundaries of County Road 111 on the North, Luther Peterson Road on the South, FM 1460 on the East and Sam Bass Road on the West. As the northern area of the City is developed, this station could be moved easterly to the vicinity of FM 1431 and Stone Oak Drive, and an additional station placed in service in the vicinity of Chandler Road and Sandy Brook Drive.

Chief Hodge outlined the required EMS response times and Fire responses for the City.

Joe Vining outlined the locations of the potential sites for Fire Station No. 7 and the benefits and concerns of those sites. Each site was labeled with a letter from the alphabet.

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David Bartels gave an overview of timeline for Fire Station No. 7. If the scheduled is followed the ribbon cutting should be on March 25, 2008.

The following locations were recommended as the best locations for Fire Station.

Site D - First choice

Site F – Second choice

Site G – Third choice

PUBLIC HEARINGS:

10.A.1. Consider public testimony concerning proposed amendments to Chapter 11, Zoning, Code of Ordinances to amend provisions related to temporary use permits, temporary buildings and outdoor storage. Jim Stendebach, Planning Director made the staff presentation. The amendments attempt to resolve recurring issues staff has encountered since the adoption of the Zoning Ordinance in May 2002. The amendments to the zoning ordinance will allow for the use of temporary buildings and temporary outdoor storage in non-residential zoning districts to accommodate displaced staff and merchandise during business expansions, remodeling or reconstruction.

The following amendments will provide increased flexibility as follows:

- Amend Section 11.305 to utilize “Temporary Use Permits” to regulate the placement of temporary buildings and temporary outdoor storage and to regulate the length of time in which they are permitted:
 - Permits requested for a temporary building or temporary outdoor storage during expansions, remodeling or reconstruction shall be valid for a period up to one year.
 - The temporary building or temporary outdoor storage shall be removed 45 days after the final inspection or issuance of the Certificate of Occupancy.
- Amend Section 11.425 (5) to establish criteria for permitting temporary buildings and temporary outdoor storage during expansions, remodeling and reconstruction.
 - Require that temporary buildings or temporary outdoor storage used during expansions, remodeling or reconstruction be shown on a site plan, reviewed, and approved by the Development Review Committee. The Development Review Committee shall make its determination based on the criteria listed in 11.425 (5) (b) (i-iv) which considers, among other things, the effects of the placement of the buildings and storage on traffic circulation and/or any potential conflicts with existing easements.

Mayor Maxwell opened the public hearing. There being no testimony the public hearing was closed.

10.A.2. Consider public testimony concerning proposed amendments to Chapter 11, Zoning, Code of Ordinances to amend provisions related to the public facilities zoning districts. Jim Stendebach, Planning Director made the staff presentation. In August 2004, City Council replaced the Public Facilities district with the three new districts. At that time, staff did not identify all the Public Facilities cross-references. These amendments to the zoning ordinance will replace the references to the former Public Facilities district with new references to the appropriate PF-1, PF-2, or PF-3 districts.

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Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

10.A.3. Consider public testimony concerning proposed amendments to Chapter 11, Zoning, and Chapter 4, Business Regulations, Code of Ordinances to include revised provisions concerning the geographical placement and design standards pertaining to wireless transmission facilities within the City of Round Rock. Jim Stendebach, Planning Director made the staff presentation. During the 2002 revision of the Zoning Ordinance, it became apparent that the regulations concerning Wireless Transmission Facilities (WTF's) were insufficient to address the modern complexities of the wireless industry and that additional research was required prior to establishing new standards. Rather than delay the adoption of the new Zoning Ordinance, the decision at the time was to simply carry over the existing regulations and then revisit the issue later when additional research could be conducted. Staff completed that research, including extensive discussions with industry representatives and designed regulations and standards that will provide for the ever-increasing demand for wireless services while at the same time ensuring that additional wireless infrastructure does not compromise the City's character and aesthetic appeal. Since staff was adding detailed regulations, including application processes for the different types of WTF's, the City Attorney recommended transferring the regulations for WTF's from Chapter 11 (*Zoning*) in the Code of Ordinances to Chapter 4 (*Business Regulations*). Because of the ever-evolving nature of the wireless industry and the level of detail that will be provided to address this industry, it now qualifies for a special section within Chapter 4. While the new regulations will no longer be located in Chapter 11, they will still impact the permitted uses within certain zoning districts listed in Chapter 11. The proposed ordinance will have the following effects:

1. It will modify and add to the existing WTF regulations currently in the Code.
2. It will move those regulations from Chapter 11 in the Code to Chapter 4.
3. It will modify the "Permitted Uses" tables of effected zoning districts in Chapter 11.

The proposed changes to the City's WTF regulations were presented to the City Council on May 26th and to the Planning and Zoning Commission on June 1st. The Planning and Zoning Commission recommended approval of the proposed changes with the condition that, in residential zones, Self-Enclosed Monopoles and Attached WTF's be limited to the following non-residential sites: schools, churches, fire stations and utility infrastructure. These changes were incorporated into the proposed ordinance.

Mayor Maxwell opened the public hearing.

Vincent Heubinger, Verizon Wireless expressed his support of the ordinance.

Alyse Drebel, T-Mobile expressed her support of the ordinance.

There being no further testimony, the public hearing was closed.

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10.A.4. Consider public testimony concerning granting a partial exemption from ad valorem taxes for certain qualified historically significant properties located in the city limits of Round Rock. Jim Stendebach, Planning Director made the staff presentation. The partial tax exemption program was created in 1988 to encourage owners of historic properties to use money saved on taxes to provide regular maintenance and/or repair to their structures. The overall benefit to Round Rock is the long-term preservation of the city's historic resources. Under the program, property owners receive a 75% exemption on city property taxes. The program does not exempt county or school district taxes. On May 17, 2005, the Historic Preservation Commission recommended the approval of partial tax exemptions for 57 properties. All applications met the criteria for preservation and maintenance according to Section 11.316(7) of the City of Round Rock Zoning Ordinance. The City will forego \$46,335 in municipal property tax revenue due to the partial tax exemption program.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

10.A.5. Consider public testimony concerning the CDBG Second Program Year Action Plan. Mona Ryan, Community Development Coordinator made the staff presentation. The City must submit an Action Plan annually as an element of the Consolidated Plan that outlines activities the City plans to carry out during the coming program year to support the specific objectives identified in the strategic plan (2004-2009 Consolidated Plan). The citizen participation plan requires that not less than a 30-day comment period be provided to receive comments prior to adoption of the Action Plan by the Mayor and City Council. The 30 day comment period began June 1, 2005. This is the second of two scheduled public hearings. The Community Development Advisory Commission held the first hearing on June 2, 2005.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items and no items were removed from the consent agenda.

*12.A. Consider approval of the City Council minutes for May 26, 2005 and June 9, 2005.

*13.A.1. Consider an ordinance amending Chapter 5, Sections 5.601 and 5.603 of the Round Rock Code of Ordinances regarding the prohibition of fireworks. (Second Reading)

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*13.D.1. Consider an ordinance amending Chapter 9, Section 9.1816, Code of Ordinances (1995 Edition) prohibiting the parking of vehicles on a portion of Park Valley Drive. (Second Reading)

*13.D.2. Consider an ordinance amending Chapter 9, Section 9.503, Code of Ordinances (1995 Edition) designating a portion of Sandy Brook Drive as a school speed zone. (Second Reading)

*14.A.1. Consider a resolution authorizing the Mayor to execute an Agreement for the Purchase of Water Meter Boxes with MS Techline Pipe, L.L.P.

*14.F.2. Consider a resolution authorizing the Mayor to execute an Agreement for Purchase of A/C Filters and Service from Star Air, Inc.

MOTION: Councilmember Honeycutt moved to approve all the items on the consent agenda. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*12.A. Consider approval of the City Council minutes for May 26, 2005 and June 9, 2005. This item was approved under the consent agenda.

ORDINANCES:

*13.A.1. Consider an ordinance amending Chapter 5, Sections 5.601 and 5.603 of the Round Rock Code of Ordinances regarding the prohibition of fireworks. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 5, SECTIONS 5.601 AND 5.603 REGARDING FIREWORKS AND ADDING SECTION 5.607 REGARDING A DEFENSE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

13.B.1. Consider an ordinance amending Chapter 1, Section 1.1002.1 of the Code of Ordinances (1995 Edition) regarding firefighter civil service classifications and number of positions. (First Reading) Larry Hodge, Fire Chief made the staff presentation. Chapter 143. Municipal Civil Service, Texas Local Government Code, Subchapter B. Classification and Appointment, §143.021. Classification; Examination Requirement states in part that "The municipality's governing body shall establish the classifications of all fire fighters by ordinance. The governing body by ordinance shall prescribe the number of positions in each classification." This ordinance does not change the authorized number of sworn positions in the Round Rock Fire Department. It will add a Battalion Chief and reduce the number of Lieutenants by one.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 1, BY ADDING SUBSECTION (3) TO 1.1002.1 DEALING WITH FIREFIGHTER CIVIL SERVICE CLASSIFICATIONS AND NUMBERS OF POSITIONS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Rhode
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Salinas
Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
Nays:	None
Absent:	Councilmember Salinas Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

13.C.1. Consider an ordinance amending Chapter 11, Zoning, Code of Ordinances (1995 Edition) to amend provisions related to temporary use permits, temporary buildings and outdoor storage. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.305, 11.425 AND 11.505, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND THE TEMPORARY USE PERMIT REQUIREMENTS TO ALLOW FOR THE ISSUANCE OF TEMPORARY USE PERMITS FOR TEMPORARY BUILDINGS AND TEMPORARY OUTDOOR STORAGE DURING EXPANSIONS, REMODELING OR RECONSTRUCTION; TO PERMIT TEMPORARY BUILDINGS AND TEMPORARY OUTDOOR STORAGE USES DURING EXPANSIONS, REMODELING OR RECONSTRUCTION; TO AMEND SCREENING REQUIREMENTS FOR OUTDOOR STORAGE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Rhode
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Salinas
Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

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MOTION: Councilmember Coe moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt
	Councilmember Clifford
	Councilmember Rhode
	Councilmember Coe
	Mayor Maxwell
Nays:	None
Absent:	Councilmember Salinas
	Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

13.C.2. Consider an ordinance amending Chapter 11, Zoning, Code of Ordinances (1995 Edition) to amend provisions related to the public facilities zoning districts. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.401, 11.415.2, 11.423, 11.502 AND 11.505, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO REFERENCE THE APPROPRIATE PUBLIC FACILITY DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
Nays:	None
Absent:	Councilmember Salinas Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
Nays:	None
Absent:	Councilmember Salinas Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

13.C.3. Consider an ordinance amending Chapter 11, Zoning, Code of Ordinances (1995 Edition) to include revised provisions concerning the geographical placement and design standards pertaining to wireless transmission facilities within the City of Round Rock. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

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MOTION: Councilmember Coe moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

13.C.5. Consider an ordinance amending Chapter 8, Section 8.113, Code of Ordinances (1995 Edition) regarding subdivision requirements that result in undue hardship for certain non-recorded subdivisions. (First Reading) Jim Stendebach, Planning Director made the staff presentation. This ordinance will modify text in Chapter 8, Section 8.113, of the Subdivision Ordinance to allow certain tracts of land to be designated for alternative subdivision standards as “non-recorded” subdivisions. Currently there are a number of existing tracts of land within the city limits and within the City’s extraterritorial jurisdiction that have been subdivided into separate parcels by either a metes and bounds description or lots that were never recorded at the Williamson County Courthouse. It is the City’s desire to provide both utility improvements and road improvements to these subdivisions. However, in order to provide these services the subdivisions must be platted. The proposed resolution will allow the subdivisions to be platted “as is” without the undue hardship of complying with requirements of the Subdivision Ordinance that would necessitate considerable redevelopment of these already developed subdivisions. The subject tracts of land are built-out subdivisions with right-of-way infrastructure already in place. The subject tracts are not served with municipal utilities and the current rights-of-way do not comply with existing standards.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 8, SECTION 8.113 REGARDING NON-RECORDED SUBDIVISIONS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Salinas

ACTION: The motion carried unanimously.

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MOTION: Councilmember Coe moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Salinas
ACTION: The motion carried unanimously

13.C.6. Consider an ordinance granting a partial exemption from ad valorem taxes for certain qualified historically significant properties located in the city limits of Round Rock.
(First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A PARTIAL EXEMPTION FROM AD VALOREM TAXES FOR CERTAIN QUALIFIED HISTORICALLY SIGNIFICANT PROPERTIES LOCATED WITHIN THE CITY LIMITS OF ROUND ROCK, TEXAS; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Salinas
ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Salinas
ACTION: The motion carried unanimously.

Mayor Maxwell dispensed with the order of the agenda with the unanimous consent of all the Councilmember present and addressed the following item.

14.G.2. Consider a resolution authorizing the Mayor to execute a Second Amendment to the Development Agreement with NNP-Teravista, L.P. and ANC-Round Rock Assets II, L.P. Jim Stendebach, Planning Director made the staff presentation. This agreement will modify the existing development agreement to reflect changes required due to the sale of 18.077 acres to Scott & White Memorial Hospital and Scott, Sherwood and

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Brindley Foundation (Scott & White). The original development agreements between the City and NNP-Teravista, LP require modification to permit the proposed hospital, medical complex and related uses on the 18.077-acre site being sold to Scott & White.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock ("City") has previously entered into a Development Agreement ("Agreement") with NNP-Teravista, L.P. ("Developer") regarding the Teravista Project ("Project"), and

WHEREAS, a portion of the Project has been acquired by ANC-Round Rock Assets II, L.P. ("ANC"), and

WHEREAS, Developer and ANC have entered into a contract for the sale of a portion of the Project known as the Round Rock Premium Outlets Project and amended the Agreement by First Amendment to Development Agreement, and

WHEREAS, Developer has entered into a contract to sell a portion of the project containing 18.077 ares of land to Scott & White Memorial Hospital and Scott, Sherwood and Brindley Foundation ("Scott & White"), and

WHEREAS, the City and Developer now desire to amend the Agreement to reflect the sale to Scott & White, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Second Amendment to Development Agreement with NNP-Teravista, L.P., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

13.C.7. Consider an ordinance annexing 18.077 acres out of the Ephraim Evans Survey. (Scott and White tract) (300 Chandler Road) (Second Reading) Jim Stendebach, Planning Director made the staff presentation. This 18-acre tract is currently undeveloped outside the city limits. Scott & White is requested annexation of this tract so it can be served by the City and have the same zoning as the 49 acres Scott & White already currently owns. Scott & White currently owns approximately 99 acres of land at the northeast corner of IH-35 and Chandler Road. The property is zoned PUD No. 37, which was adopted in 1999 to accommodate a proposed hospital and other medical-related uses. Since the adoption of that PUD, Scott & White has adjusted their plans and is no longer committed to the development envisioned. One of the primary changes in the development plan for Scott & White is the location. At this time, Scott & White intends to sell the western half of the PUD property (roughly 50 acres) to a developer (Chandler/I-35 Retail, Ltd.) for a retail shopping center. Scott & White will then use the remaining eastern half of the property (roughly 49 acres) for their hospital. In order to accommodate the type of medical

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complex they intend to build, Scott & White will acquire an additional 18 acres from Newland Communities (the developer of Teravista) to join with the 49 acres they already own.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ROUND ROCK, TEXAS, TO WIT: 18.077 ACRES OF LAND, OUT OF THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212, IN WILLIAMSON COUNTY; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

13.C.8. Consider an ordinance to adopt original zoning of District PF-3 (Public Facility-High Intensity) on 18.077 acres of land. (300 Chandler Road) (First Reading) Jim Stendebach, Planning Director made staff presentation. Scott & White currently owns approximately 49 acres of land south of the subject property. That property is currently zoned PF-3 (Public Facilities-High Intensity) District. They are acquiring an additional 18.077 acres to expand the hospital site. The adoption of PF-3 (Public Facilities-High Intensity) District original zoning will match the zoning on the abutting tract. On March 16, 2005, the Planning and Zoning Commission rendered a favorable recommendation to zone the property PF-3 (Public Facilities–High Intensity) upon annexation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 18.077 ACRES OF LAND, OUT OF THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS DISTRICT PF-3 (PUBLIC FACILITY-HIGH INTENSITY).

MOTION: Councilmember Honeycutt moved to adopt the ordinance. Councilmember Coe seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

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MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Salinas

ACTION: The motion carried unanimously.

*13.D.1. Consider an ordinance amending Chapter 9, Section 9.1816, Code of Ordinances (1995 Edition) prohibiting the parking of vehicles on a portion of Park Valley Drive. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1816, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO PROHIBIT PARKING ON A PORTION OF PARK VALLEY DRIVE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*13.D.2. Consider an ordinance amending Chapter 9, Section 9.503, Code of Ordinances (1995 Edition) designating a portion of Sandy Brook Drive as a school speed zone. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.503, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, DESIGNATING A PORTION OF SANDY BROOK DRIVE AS A SCHOOL SPEED ZONE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

RESOLUTIONS:

*14.A.1. Consider a resolution authorizing the Mayor to execute an Agreement for the Purchase of Water Meter Boxes with MS Techline Pipe, L.L.P. This item was approved under the consent agenda.

RESOLUTION NO.

WHEREAS, the City of Round Rock has duly advertised for bids for the purchase of water meter boxes, and

WHEREAS, MS Techline Pipe, LLP has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of MS Techline Pipe, LLP, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Purchase of Water Meter Boxes with MS Techline Pipe, LLP, a copy of said Agreement being attached hereto as Exhibit "A" and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

14.A.2. Consider a resolution approving the Semiannual Capital Improvements Plan Progress Report. Tom Clark, Director of Utilities made the staff presentation. The Local Government Code Section 395.058 requires the Capital Improvements Advisory Committee

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to report to the political subdivision (City Council) the progress of the capital improvements plan and any perceived inequities in implementing the plan or imposing the impact fee. The local government code also requires the Advisory Committee to advise the City Council of the need to update the land use assumptions, capital improvements plan, and impact fees. Growth is continuing at a pace as was assumed in the Water and Wastewater Impact Fee Report, the capital improvements plan is proceeding on schedule and there are no inequities in implementing the plan or imposing the impact fee. The Committee met on June 1, 2005 to review the Semiannual Capital Improvements Plan Progress Report. Growth is continuing at a pace as was assumed in the Water and Wastewater Impact Fee Report, the capital improvements plan is proceeding on schedule and there are no inequities in implementing the plan or imposing the impact fee. The committee recommended that no action be taken at this time.

RESOLUTION NO. _____

WHEREAS, Section 395.058, Texas Local Government Code, requires the Capital Improvements Advisory Committee ("Committee") to report to the City of Round Rock ("City") on the progress of the capital improvements plan and any perceived inequities in implementing the plan, and to advise the City of the need to update the land use assumptions, capital improvements plan, and impact fees, and

WHEREAS, the Committee met on June 1, 2005 to review the Semiannual Capital Improvements Plan Progress Report ("Report"), and

WHEREAS, the Committee finds that the capital improvements plan is proceeding on schedule and that there are no inequities in implementing the plan, and the Committee recommends no action be taken at this time, and

WHEREAS, the City Council wishes to accept the findings of the Committee and approve the Report, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City of Round Rock hereby approves the Capital Improvements Plan Progress Semiannual Report, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes, and

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

14.A.3. Consider a resolution authorizing the Mayor to execute Supplemental Contract No. 2 to the Contract for Engineering Services with K. Friese & Associates, Inc. for the McNutt Creek Wastewater Interceptor Project - Phase I. Tom Clark, Director of Utilities made the staff presentation. K. Friese is currently under contract for the McNutt Creek Wastewater Interceptor. In addition to the original scope, alternate routes needed to be

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evaluated on the Gordon Tract and along Highway 79, which resulted in the realignment of the wastewater pipeline. Additionally, in order to coordinate construction of the commercial development, staff is proposing to fast track the pipeline construction along Highway 79. Meetings with developers along the frontage of Highway 79 indicated that commercial construction along the proposed McNutt Creek Interceptor alignment will occur between July 2005 and February 2006. These investigations and further coordination with landowners has resulted in adjusting the alignment on the Gordon Tract to the west, extension of the project to the north side of the McNutt Creek, and additional trenchless installation along the frontage of Highway 79. This supplemental agreement includes the work performed for the additional route analysis, engineering, survey, environmental, and geotechnical work required for the alignment and construction method revisions. The portion of the McNutt Creek Interceptor along Highway 79 will be fast tracked and bid separately.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services ("Agreement") with K. Friese & Associates, Inc. for the McNutt Creek Wastewater Interceptor Project - Phase I, and

WHEREAS, K. Friese & Associates, Inc. has submitted Supplemental Agreement No. 2 to the Agreement to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 2 with K. Friese & Associates, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 2 to the Agreement with K. Friese & Associates, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

14.B.1. Consider a resolution adopting the City of Round Rock Access Management Plan for State Highways. Thomas G. Martin, P.E., Director of Transportation Services made the staff presentation. In conjunction with legislation from the Legislative Session in 2003, the State Transportation Code was revised to allow municipalities to be responsible for the permitting of access control within their boundaries, providing the municipality had developed an Access Control Manual consistent with the State's policies. In the interim, TxDOT has reviewed and approved the City's Access Management Plan for State Highways. With the adoption of this resolution, coupled with the previous acceptance of the City of

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Round Rock’s Access Management Plan for State Highways by TxDOT, the City will issue permits for driveways on State Highways in conjunction with our development process effective July 1, 2005.

RESOLUTION NO. _____

WHEREAS, pursuant to Senate Bill 361, adopted in September 2003, the Texas Transportation Code was amended to allow municipalities to assume responsibility for issuing permits for access connections to state highways within the municipality’s jurisdiction, and

WHEREAS, the City of Round Rock wishes to formally adopt an Access Management Plan for State Highways regarding the issuance of permits for driveways on state highways in conjunction with the City’s development process effective July 1, 2005, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Access Management Plan for State Highways, attached hereto as Exhibit “A” and incorporated herein, is hereby approved and adopted.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

14.C.1. Consider a resolution authorizing the Mayor to execute an agreement with Vision Internet, Inc. for web design services. Will Hampton, Communications Director made the staff presentation. The City’s website has never been professionally designed and engineered, and lacks basic interactive features, and an integrated content management system. The site also needs to be Section 508 compliant (federal disabilities compliance). The City’s website is a vital link between the City and its customers, and is a significant element for the branding efforts for economic development. An online survey was conducted of the City’s web users last year, and 230 responses were received. Website issues were discussed and input was received from the Mayors’ (Homeowners and Neighborhoods Association’s) President’s Roundtable last month. The cost of the service is \$79,180.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain professional consulting services for web design services, and

WHEREAS, Vision Internet Providers, Inc. has submitted an Agreement for Professional Consulting Services to provide said services, and

WHEREAS, the City Council desires to enter into said agreement with Vision Internet Providers, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Professional Consulting Services with Vision Internet Providers, Inc., a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that

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such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 23rd day of June 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember

Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

Absent: Councilmember Salinas

ACTION: The motion carried unanimously.

14.D.1. Consider a resolution authorizing the Mayor to execute a Subrecipient Agreement with the Governor's Division of Emergency Management for an Emergency Management Performance Grant. Larry Hodge, Fire Chief made the staff presentation. This Grant partially funds salaries for the Emergency Management Coordinator and the Assistant Emergency Management Coordinator. Staff recommended approval of this Grant application so that the City may receive additional funding to help defray budgeted salaries for the two positions. The funding request reflected 25% of the total salaries and benefits for the Emergency Management Coordinator and Assistant Coordinator, and was in the amount of \$43,204.00. The Texas Division of Emergency Management has awarded the City of Round Rock a Grant for \$31,982.00 for FY 2005. Staff recommended the Mayor accept this Grant. Participation in the Emergency Management Performance Grant also requires that the City perform those functions deemed essential by the Governor's Division of Emergency Management for the upcoming fiscal year.

RESOLUTION NO.

WHEREAS, the Governor's Division of Emergency Management, Texas Department of Public Safety has made grant funds available to the City of Round Rock through the 2005 Emergency Management Performance Grant Program, and

WHEREAS, the City Council wishes to accept said grant funds to partially fund two Emergency Management Coordinator positions. Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Notice of Subrecipient Grant Award, a copy of same being attached hereto as Exhibit "A" and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember

Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe

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Mayor Maxwell
Nays: None
Absent: Councilmember Salinas
ACTION: The motion carried unanimously.

14.E.1. Consider a resolution rejecting all bids received for the Brushy Creek Trail East Project. This item was withdrawn from the agenda at the request of staff.

14.E.2. Consider a resolution authorizing the Mayor to execute an Agreement with Maurine B. Freeman, the Estate of Marvin H. Freeman, and the Freeman Family Trust for the Brushy Creek Trail East Project. Rick Atkins, Parks and Recreation Director made the staff presentation. This perpetual easement is necessary to construct the Brushy Creek East Trail Project and maintain it after construction. Although it is perpetual in nature, it is only needed until the property designated as future parkland is deeded to the City. The Freeman Tract is the only portion of the trail corridor that is not owned by the City. The Brushy Creek East Trail Project includes approximately 2 ¼ miles of hike and bike trail with associated amenities, including several bridges, pavilions, a playground, and various site amenities. The trail will run from East to West along the South bank of Brushy Creek from Red Bud Lane to the Sonoma Subdivision.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock wishes to enter into an Easement Agreement with Maurine B. Freeman, the Estate of Marvin H. Freeman, and the Freeman Family Trust ("Freeman's") for a construction and maintenance easement through property owned by the Freemans for the Brushy Creek Trail East Project, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Easement Agreement with Maurine B. Freeman, the Estate of Marvin H. Freeman, and the Freeman Family Trust, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE:
Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Rhode
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Salinas

ACTION: The motion carried unanimously.

14.F.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 2 to "Standard Form of Agreement between Owner and Architect with Standard Form of Architect's Services" and "Supplemental Agreement No. 1" with Croslin and Associates, a division of PBS&J for the redesign of Fire Station No. 2. Larry Madsen, Construction Manager made the staff presentation. The plan is to build a station at the West

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Bagdad Site in the South West Downtown Area of Round Rock. This Supplemental Contract No. 2 is for the redesign and construction drawing documents for the Fire Station #2 at 206 West Bagdad Street. Construction plans were completed for Fire Station No. 2 in May 2004. The bidding and construction of the plans were put on hold until a study of the overall locations of needed Fire Stations could be completed. During this study, a right sizing of room sizes and apparatus bays was also completed by the Fire Department. The overall plan will be scaled back 2,500 square feet from the original plan and the elevator was eliminated. The cost of the supplemental agreement is \$54,104.84.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a Standard Form of Agreement Between Owner and Architect with Standard Form of Architect's Services ("Agreement"), and Supplemental Agreement No. 1 with Croslin and Associates, Inc., a division of PBS&J ("Croslin") for the redesign of Fire Station No. 2, and

WHEREAS, Croslin has submitted Supplemental Agreement No. 2 to the Agreement for a change in the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 2 with Croslin, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 2 with Croslin and Associates, Inc., a division of PBS&J, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

*14.F.2. Consider a resolution authorizing the Mayor to execute an Agreement for Purchase of A/C Filters and Service from Star Air, Inc. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the purchase of A/C filters and service, and

WHEREAS, Star Air, Inc. has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of Star Air, Inc., Now Therefore BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Purchase of A/C filters and service with Star Air, Inc., a copy of said Agreement being attached hereto as Exhibit "A" and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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RESOLVED this 23rd day of June, 2005.

14.G.1. Consider a resolution authorizing modifications to Chapter 8, Section 8.113, Code of Ordinances (1995 Edition) regarding subdivision requirements that result in undue hardship for certain non-recorded subdivisions. Jim Stendebach, Planning Director made the staff presentation. Currently there are a number of existing tracts of land within the city limits and within the City's extraterritorial jurisdiction that have been subdivided into separate parcels by either a metes and bounds description or lots that were never recorded at the Williamson County Courthouse. It is the City's desire to provide both utility improvements and road improvements to these subdivisions. However, in order to provide these services the subdivisions must be platted. This resolution will allow the subdivisions to be platted "as is" without the undue hardship of complying with requirements of the Subdivision Ordinance that would necessitate considerable redevelopment of these already developed subdivisions. The resolution specifically identifies the existing subdivisions. The tracts are built-out subdivisions with right-of-way infrastructure already in place. They are not served with municipal utilities and the current rights-of-way are not in compliance with existing standards.

RESOLUTION NO. _____

WHEREAS, pursuant to Chapter 8, Section 8.113 of the Code of Ordinances of the City of Round Rock, Texas ("City"), the City Council has determined that strict compliance to the subdivision requirements under Chapter 8 may result in undue hardship for certain non-recorded subdivisions within the City limits and within the City's extraterritorial jurisdiction, and

WHEREAS, Chapter 8, Section 8.113(2) states that modifications from the requirements of Chapter 8 shall be granted only if the City Council makes certain findings as listed below, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the real properties listed in Exhibit "A", attached hereto and incorporated herein, are recognized as Non-Recorded Subdivisions pursuant to Chapter 8, Section 8.113 of the Code of Ordinances, City of Round Rock, Texas, and

That the City Council makes the following findings for the real properties described in Exhibit "A";

1. There are extraordinary or special conditions affecting each tract of land such that the strict application of the provisions of Chapter 8 would cause undue hardship; and
2. The modification from the requirements of Chapter 8 is necessary for the preservation and application of substantial property rights; and
3. The granting of modifications from the requirements of Chapter 8 will not be detrimental to the public health, safety or welfare, injurious to other property in the area or to the City; and
4. The conditions affecting the real properties described in Exhibit "A" do not generally apply to other tracts of land in the vicinity; and
5. The conditions affecting the real properties described in Exhibit "A" are not the result of the actions of the current owners of said real properties; and
6. The modifications from the requirements of Chapter 8 will not substantially conflict with the General Plan and the purposes of Chapter 8.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Honeycutt seconded the motion.

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VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Salinas
ACTION: The motion carried unanimously.

14.G.2. Consider a resolution authorizing the Mayor to execute a Second Amendment to the Development Agreement with NNP-Teravista, L.P. and ANC-Round Rock Assets II, L.P. This item was addressed earlier in the meeting.

14.G.3. Consider a resolution consenting to the addition of 6.547 acres into the Williamson County MUD No. 10. Jim Stendebach, Planning Director made the staff presentation. The 6.547 acres lies immediately east of the 49 acres Scott and White tract at the NW corner of Sunrise Road and Chandler Road. Council approved the First Amendment to the Development Agreement with NNP-Teravista L.P. and ANC-Round Rock Assets II, L.P. on May 26, 2005. This amendment included a provision that the City consents to the annexation of 6.547 acres into Williamson County MUD #10.

RESOLUTION NO. _____

A RESOLUTION CONSENTING TO THE ADDITION OF 6.547 ACRES OF LAND TO WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 10 FOR INCLUSION IN SAID DISTRICT.

WHEREAS, attached to this resolution and made a part hereof is a petition requesting the consent of the City of Round Rock, Texas, to the annexation of 6.547 acres of land into the Williamson County Municipal Utility District No. 10, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Petition for Consent to Annex Land into Williamson County Municipal District No. 10, attached hereto as Exhibit "A" and incorporated herein, is hereby granted, and the City consents to the annexation of the property described in said petition into the Williamson County Municipal Utility District No. 10.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of June, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Salinas
ACTION: The motion carried unanimously.

COUNCIL COMMENTS: The Council welcomed Councilmember Honeycutt.

EXECUTIVE SESSION:

16.A. Consider Executive Session as authorized by §551.072 Government Code, to consider the acquisition of real property for the future police station, to wit: approximately 75 acres located at 601 Jeffrey Way, Round Rock, Texas. The Council recessed to the

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Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order at 10:00 p.m. and adjourned the Executive Session at 10:50 p.m.

ACTION ON EXECUTIVE SESSION:

17.A. Consider authorizing the City Manager to proceed with negotiations for the acquisition of real property for the future police station to wit: approximately 75 acres located at 601 Jeffrey Way, Round Rock, Texas.

MOTION: Councilmember Coe moved that the City Manager proceed as discussed in Executive Session. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Mayor Pro-tem McGraw Councilmember Clifford Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Salinas

ACTION: The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:53 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary